IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMONS NO. 923 OF 2007

IN

EXECUTION APPLICATION NO. 70 OF 1972

IN

ARB NO. ABN/P/1108 OF 1970

The Deccan Merchants Co-op. Bank Ltd. .... Plaintiff

Vs.

P Sethu Madhav Rao, The Court Receiver .... Defendants

AND

M/s Vinsons .... Applicant

Mr. Narendra Walawalkar i/b Mr. Sameer R. Bhalekar for Applicant.
Mr. S.G. Kelaskar, Representative of Court Receiver present.

CORAM : S.J. VAZIFDAR, J.
DATE : 8TH OCTOBER, 2007

P.C.

1. All the parties have been served. No Affidavit-in-reply has been filed. The Applicant has obtained a decree for eviction after making the Court Receiver a party to the R.A.E. Suit No. 1159 of 1974. The applicant now seeks leave to execute the decree.

2. By an order dated 19th September 2007, I had granted ad-interim reliefs in terms of the

final relief. There is nothing dis-entitling the applicants to the relief claimed.

3) It appears that despite the order dated 19th September 2007, the Court Receiver remained absent before the learned Judge of the Small Causes Court.

4) In the circumstances, Chamber Summons is made absolute in terms of prayer clause (a).

5) The Court Receiver is directed to attend the proceedings before the Small Causes Court as directed by the Small Causes Court.

6) Mr. Walawalkar, learned Advocate for the applicant states that the next date is 25th October 2007. Needless to state that in any event, the learned Judge of the Small Causes Court is at liberty to proceed with the matter even if the parties remain absent and to decide the matter in accordance with law.

7) The Chamber Summons is accordingly disposed of with liberty to apply for reliefs in terms of prayer clause (d) by taking out fresh proceedings after the decree is executed, if so ordered.

8) All parties to act upon a copy of this order duly authenticated by the Private Secretary/ Personal Assistant, Sheristedar of this Court.